

United States District Court

MIDDLE DISTRICT OF ALABAMA

In the Matter of the Search of

(Name, address or brief description of person or property to be searched)

An Express Mail package addressed to:

Catherine Bradley

1213 A Logan

Tuskegee, AL 36088 bearing label

EQ 980815298 US

APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT

CASE NUMBER:

2:06mj 102-VPM

I, J. D. Tynan being duly sworn depose and say:

I am a(n) United States Postal Inspector and have reason to believe
Official Title

that ☐ on the person of or ☒ on the premises known as (name, description and/or location)

An express mail package addressed to Catherine Bradley, 1213 A Logan, Tuskegee, AL 36088 with the return address of Carl Dickens, 3852 W. Magnolia Ave. #56, Riverside, CA 92504, bearing label EQ 980815298 US.

in the Middle District of Alabama
there is now concealed a certain person or property, namely (describe the person or property)

controlled substances

which is (give alleged grounds for search and seizure under Rule 41(b) of the Federal Rules of Criminal Procedure)

contraband, the fruits of a crime or thing otherwise criminally possessed,

in violation of Title 21 United States Code, Section(s) 841(a)(1) and 843(b)

The facts to support the issuance of a Search Warrant are as follows:

See ATTACHMENT 1

Continued on the attached sheet and made a part hereof.

☒ Yes ☐ No

J. D. Tynan
Signature of Affiant

Sworn to before me, and subscribed in my presence

OCTOBER 11, 2006
Date

3:40 pm

at MONTGOMERY, ALABAMA
City and State

VANZETTA P. MCPHERSON
UNITED STATES MAGISTRATE JUDGE
Name and Title of Judicial Officer

Vanzetta P. McPherson
Signature of Judicial Officer

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

The undersigned, being duly sworn on oath, deposes and says:

1. I, James D. Tynan, have been a United States Postal Inspector since April 2002. I am currently assigned to the U.S. Postal Inspection Service Office in Montgomery, AL. I investigate incidents where the United States Mails are used for the purpose of transporting non-mailable matter, including controlled substances such as marijuana, cocaine, heroin, and steroids in violation of Title 21, United States Code, Sections 841(a)(1) and 843(b), and substances mailed in violation of Title 18, United States Code, Section 1716. The following information has been obtained by me personally or has been provided to me by other law enforcement officers and postal employees.

2. Prior investigations by U.S. Postal Inspectors have determined that the U.S. Mails are being used to transmit controlled substances and proceeds from the sale of controlled substances through the U.S. Mails. This request was made based on information provided to me on October 10, 2006, from Postmaster Mike Martin, Tuskegee, AL. Martin advised me that he had two Express Mail packages mailed from the same Los Angeles, CA post office and addressed to separate names at the same address of 1213 A Logan, Tuskegee, AL 36088; Martin stated that in his opinion, the packages smelled like cut grass.

3. On October 11, 2006, I spoke with the mail carrier for 1213 A Logan St., Tuskegee, AL 36088. The carrier stated that this address normally receives one to two delivery confirmation packages per month from California. ^{NEITHER} The carrier, nor myself, are aware of any legitimate business operating out of the aforementioned address. As a note, businesses will typically type their return labels; this label was hand written. Based on my training and experience the Los Angeles, CA area is a known drug trafficking location and drug traffickers will often utilize the U. S. Express Mail because of overnight delivery with tracking capabilities.

4. On October 10, 2006, I received the two packages from Postmaster Martin. The packages are further described as follows:

Package #1

- a. Express Mail No.: EQ 980815307 US
- b. Mailing Date: October 7, 2006
- c. Addressed to: Margret Hogan
1213 A Logan
Tuskegee, AL 36088
- d. Return Address: Tyler Williams
11500 S. Budlong #4
Los Angeles, CA 90044
- e. Class of Mail: Express Mail
- f. Postage Affixed: \$18.80
- g. Size: Approx. 8" X 8 1/2" X 8 1/4 "
- h. Weight: Approx. 1 lbs 15 oz.
- i. Wrapping: One Ready Post cardboard box with brown tape

Package #2

- a. Express Mail No.: EQ 980815298 US
- b. Mailing Date: October 7, 2006
- c. Addressed to: Catherine Bradley
1213 A Logan
Tuskegee, AL 36088
- d. Return Address: Carl Dickens
3852 W. Magnolia Ave. #56
Riverside, CA 92504
- e. Class of Mail: Express Mail
- f. Postage Affixed: \$18.80
- g. Size: Approx. 8" X 8 1/2" X 8 1/4 "
- h. Weight: Approx. 1 lbs 15 oz.

i. Wrapping: One Ready Post cardboard box with brown tape

5. On October 11, 2006, trained narcotics dog handler F. Aponte and his narcotics detector dog "Pyro" conducted an exterior inspection of the above-described package, the dog alerted, indicating the package contained the scent of controlled substances. At this time I took possession of the parcel.

6. I have been advised of the qualifications of the dog handler and his narcotics detector dog, which is more fully described in Attachment "A", which is filed in conjunction herewith and incorporated by reference herein.

7. Based on my training and experience and the facts set forth in this affidavit, I submit there is probable cause to believe that controlled substances are being concealed in the afore-mentioned mail article which is described in paragraph 4, and seeks the issuance of a search warrant directing the search of said package, the seizure of said mail article, any controlled substance(s) contained therein, and any enclosed materials relating to the distribution of controlled substances.

8. The package has been maintained unopened in the custody of U. S. Postal Inspectors pending application for a search warrant.



J. D. Tynan

Postal Inspector

Sworn to and subscribed before me this

11th day of October, 2006, at

Montgomery, AL.



Vanzetta P. McPherson

United States Magistrate Judge

Attachment "A"

"Pyro" is a male Belgium Malinois, approximately four years old and has been working as a narcotics detector dog since approximately May 1, 2003. He was trained and certified by Montgomery County Sheriff's Office Trainer Thomas D. Davis, K-9 Deputy, Montgomery County Sheriff's Office, Montgomery, Alabama. "Pyro" is certified to detect cocaine, crack, heroin, methamphetamine, and marijuana. He has successfully alerted approximately 15 times.

K-9 Investigator Francisco M. Aponte has been a canine officer with the Montgomery Housing Authority since May 2003, and a law enforcement officer since approximately 1998. He has worked a narcotics detector dog since January 2002, and has worked "Pyro" since approximately May 2003.